

RESPONSE TO OFFICE ACTION MAILED FEBRUARY 6, 2008

U.S. Serial No.: 10/553,569

Inventor: Sick

Page 11

REMARKS

Summary of the Office Action

Claims 1-30 are currently pending. In the Office Action mailed February 6, 2008, the Examiner objected to the drawings is failing to show every feature of the invention specified in the claims. The Examiner also objected to the disclosure as failing to include relevant headings.

Claims 14, 15, and 27 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

Claims 1, 2, 7-13, 17, and 27-29 stand rejected under 35 U.S.C. §102(b) as being anticipated by Brandt et al. (U.S. Patent 6,088,644). The Examiner next rejected claims 3-6, 14, and 15 under 35 U.S.C. §103(a) is being unpatentable over Brandt et al. in view of Holland et al. (U.S. Patent 6,287,048). Claims 18-20 and 30 stand rejected under 35 U.S.C. §103(a) is being unpatentable over Brandt et al. in view of Gudat et al. (U.S. Patent 5,646,844). The Examiner next rejected claims 21-26 under 35 U.S.C. §103(a) is being unpatentable over Brandt et al. in view of Sick (German Patent DE 100 53 446).

Objection to the drawings

Applicant has enclosed herewith five (5) sheets of replacement formal figures. Applicant has also amended claim 21 to no longer include the term "motion detection device." It is believed the replacement drawing sheets presented herewith as well as the amendments to the claims resolve the objection outlined on page two (2) of the Office Action. Applicant has also amended a paragraph of the specification to provide a reference number for the compaction result detection device that is fully described in the entirety of this paragraph and the additional references cited therein. In accordance with this disclosure, no new matter has been added by the addition of reference number 19 to Fig. 2.

Objections to the Specification

The Examiner objected to the Specification as lacking section headings. Although Applicant appreciates the completeness of the Examiner's examination, the file history of this

matter includes a preliminary amendment that was filed with the application papers. Page two (2) of this paper included an amendment inserting the relevant section headings. Accordingly, it is believed that this objection is merely an oversight.

Rejections under 35 U.S.C. §112

The Examiner rejected claims 14, 15, and 27 under 35 U.S.C. §112, second paragraph, as being indefinite for including unclear language. Applicant appreciates the Examiner's suggestions with respect to resolving these objections. Applicant has amended claims 14, 15, and 27 as suggested by the Examiner to further clarify that which is called for therein. These amendments are believed to overcome these rejections.

Prior art rejections

With respect to the prior art rejections, Applicant has amended each of independent claims 1, 27, and 28, to further define the present invention. Generally, the references of record are directed to automating the operation of mobile machinery to forgo operator interaction. Although related to the similar problem at hand, the devices disclosed in these references are generally in a different category of operations than the present invention. Applicant has amended each of the independent claims to further clarify and distinguish the present invention from the autonomous devices of the art.

Brandt et al. states that, "unlike a human operator, automated machinery remains consistently productive regardless of environmental conditions and prolonged work hours [and] is also ideal for applications where conditions are unsuitable or undesirable for humans." C. 1, ll. 24-27. The devices of Brandt et al., Hollon et al., and Gudat et al., all operate in this type of paradigm, i.e. an operator that is fully removed and/or wholly remote from the autonomous device. Gudat et al. discloses a system wherein loaders or the like both oriented and operated via interaction with a global positioning system (GPS). That is, the systems of these references are configured for fully autonomous operation by a remote system or operator.

Unlike these systems, DE 100 53 446 discloses a remote control compaction system. This system is Applicant's prior work. The compaction system of DE 100 53 466, unlike the

presently claimed system, requires an operator to control operation of the compaction device via interaction with a remote control. Reference number 4 in Fig. 1. Although an operator need not be in direct contact with the normally hand guided compaction device, the operator's attention is still required to ensure that the compaction device does not stray beyond a compaction area or work zone.

Commonly, such compaction devices are transported to a work sight and move about through interaction of a compaction plate with the compacting surface. Operator interaction with a handle, or a remote control, as disclosed in DE 100 53 446, steers the compaction devices. Such systems do not have the structure or power systems necessary to support a GPS type of navigation system. Nor are they generally equipped with traditional steering systems through which interaction can alter a travel direction of the device. Furthermore, enabling such a system for GPS operation would most likely increase the cost of such systems beyond the range of affordability associated with those who own and operate such devices.

Commonly, when a compaction system according to the preset invention is being operated, other users or operators are generally nearby and performing other construction operations. Such users do not necessarily care about the global orientation or position of the compaction device. Rather, these operators are more concerned that the device has not left the area to be compacted. Areas outside of a compaction area are commonly so ill-prepared that operation of hand guided compaction devices on unprepared surfaces is generally infeasible.

Hand guided compaction devices generally also do not have a traditional drive system or traditional wheeled steering systems as the systems described in each of Brandt et al., Hollon et al., and Gudat et al. Simply, the systems of these references are generally large enough to support the systems necessary for the interaction and/or interferences with the steering and drive systems of the devices disclosed therein. As hand guided compaction devices are commonly manually moved, or manually loaded into other transportation devices, adding such control paradigms to a hand guided compaction device would so unnecessarily increase the weight of the device to render manual movement unfeasible.

RESPONSE TO OFFICE ACTION MAILED FEBRUARY 6, 2008

U.S. Serial No.: 10/553,569

Inventor: Sick

Page 14

The claims of the application have been amended to further define the systems described thereby. As described above, modifying a hand guided compaction device in accordance with the teachings of the art of record would yield a compaction device that is unsuitable for its intended purpose and market. This combination of references simply fails to disclose or render obvious a hand guided compaction device whose operation is locally defined as called for in the presently presented claims. Accordingly, Applicant believes claims 1-30 are patentably distinct thereover. The Director is hereby authorized to charge Deposit Account No. 50-1170 the amount of \$120.00 for a one-month extension of time for entry and consideration of this response. Although no other fees are believed due, the Office is hereby authorized to charge any additional fees associated with this or any other communication or credit any overpayment to Deposit Account No. 50-1170.

The Examiner is further authorized to call the undersigned if any informal matters remain and which the resolution of which would further expedite the prosecution of this matter.

Respectfully submitted,



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